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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,345	07/07/2003	Jack I. J'maev	JJ-036-US	8700

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INTELLECTUAL PROPERTY DEVELOPMENT
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EXAMINER

FISHER, MICHAEL J

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,345

Applicant(s)

J'MAEV, JACK I.

Examiner

Michael J. Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-18,20-23 and 26-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-18,20-23 and 26-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4,8-15,17,18,20-23 and 27-35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,661,201 to Bishop et al. (Bishop).

As to claims 1, 20,27 and 37, Bishop discloses a method for issuing product recall notice signals comprising: accepting a product identifier that identifies a target group of products (col 15, lines 45-48), generating a product recall signal according to the product identifier (col 15, lines 62-67), conveying the recall signal to the product from outside the product (fig 1).

Bishop does not, however, teach sending the signal repeatedly or periodically. It would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Bishop by sending the signal repeatedly and periodically to ensure that the signal is received in case some receivers were out of range (such as in a tunnel) for the first signal.

As to claim 29, it is inherent that there is a "product identification unit that accepts a product identifier" as the system is shown to accept and disseminate recall notices to particular products and further, the signal is conveyed to a communications interface channel (fig 1).

As to claims 2,21,30, Bishop teaches using serial numbers (col 16, lines 15-18).

As to claims 3, 22, the signal includes the identifier (col 16, lines 15-18).

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As to claims 4,23,32,33, Bishop teaches determining a digital identification number (vehicle identification number (VIN)) and generating a recall signal that includes it (col 16, lines 15-18).

As to claims 8,28, Bishop teaches the system as saving the information that the signal was received (col 16, lines 42-45). Bishop does not, however, teach conveying a time beacon. The examiner takes Official Notice that it is very well known in the art for computers to note the time a file was saved. Therefore, it would have been obvious to one of ordinary skill in the art to include a time beacon as Bishop discloses the information saved as being for dispute resolution (col 16, lines 40-45) and the time the recall notice was received would be useful in case the dispute resolves around when the signal was received.

As to claim 9, Bishop discloses using a selected communications channel (fig 1).

As to claim 10, as discussed, Bishop uses a VIN.

As to claim 11, Bishop discloses using a cell phone (col 16, lines 34-36).

As to claim 12, the signal includes the product identifier (VIN).

As to claim 13, Bishop teaches determining a digital identification number (vehicle identification number (VIN)) and generating a recall signal that includes it (col 16, lines 15-18).

As to claims 14,34, the communications system is wireless (fig 1).

As to claims 15,31,35 Bishop teaches a phone system (col 16, lines 34-36) with phone numbers, which is inherently "switched".

As to claim 17, Bishop does not, however, teach sending the signal repeatedly. It would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Bishop by sending the signal repeatedly to ensure that the signal is received in case some receivers were out of range (such as in a tunnel) for the first signal.

As to claim 18, Bishop teaches the system as saving the information that the signal was received (col 16, lines 42-45). Bishop does not, however, teach conveying a time beacon. The examiner takes Official Notice that it is very well known in the art for computers to note the time a file was saved. Therefore, it would have been obvious to one of ordinary skill in the art to include a time beacon as Bishop discloses the information saved as being for dispute resolution (col 16, lines 40-45) and the time the recall notice was received would be useful in case the dispute resolves around when the signal was received.

As to claim 38, the system is computerized (fig 1) and computers inherently have the capability of including a time beacon with a message.

Claims 7,16 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop as applied to claims above, and further in view of US PAT 5,442,553 to Parrillo.

As to claims 7,16,26 and 36, Bishop does not, however, teach sending the signal at particular time periods. Parrillo teaches determining a time and transmitting at that time (col 4, lines 65-68). It would have been obvious to one of ordinary skill in the art to

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modify the system as disclosed by Bishop with the time sensitivity as taught by Parrillo as Parrillo teaches this as a good way to get a signal to a vehicle without bothering the driver.

Response to Arguments

Applicant's arguments filed 10/31/05 have been fully considered but they are not persuasive. Specifically, that Bishop is used as the claims have been amended to include a recall notice and further, that it is considered obvious and well within the purview of one of ordinary skill in the art to repeatedly and periodically send signals. Arguments in relation to claims 9-18 and 29-38 have been addressed above and a communications channel is selected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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1/21/06